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Attorney for Plaintiff

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

Donna Y. Perigo, individually and on behalf)
of her Individual Retirement Account,)

Plaintiff,)

vs.)

Terrence L. Hoffer, M.D.; Terrence L. Hoffer,)
M.D., Inc. Profit Sharing Plan; and Terrence)
L. Hoffer, M.D., a professional corporation)
aka Terrence L. Hoffer, M.D., Inc.,)

Defendants.)

Case No.: CIVS 04-1964 FCD DAD

**STIPULATION AND ORDER OF
DISMISSAL**

The parties having advised the Court that they have settled this matter, they hereby stipulate through their designated counsel that the above-captioned action be, and hereby is, dismissed with prejudice pursuant to FRCP 41(a)(1). Each party shall bear her, his or its own costs and fees, except as the parties may have otherwise agreed.

SO STIPULATED:

Dated: 7/12/05

/s/ Jeffrey S. Salisbury
Jeffrey S. Salisbury
Attorney for Plaintiff

Dated: 7/7/05

/s/ Robert F. Schwartz
Robert F. Schwartz
Attorney for Defendants

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2 IT IS SO ORDERED:

3 Dated: July 14, 2005

4 /s/ Frank C. Damrell Jr.
U.S. District Court Judge